



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0642

Introduced 1/28/2005, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
105 ILCS 5/31-3	from Ch. 122, par. 31-3
105 ILCS 5/34-19	from Ch. 122, par. 34-19

Amends the School Code. Provides that a student may not be expelled, except (i) for any criminal offense for which a sentence to the Department of Corrections may be imposed or (ii) when the student is determined to have brought a weapon to school, any school-sponsored activity, or an activity or event that bears a reasonable relationship to school.

LRB094 06863 LJB 36970 b

1 AN ACT concerning education.

2 WHEREAS, It has come to the attention of the General
3 Assembly that expulsion may cause irreparable harm to a
4 student; therefore

5 **Be it enacted by the People of the State of Illinois,**
6 **represented in the General Assembly:**

7 Section 5. The School Code is amended by changing Sections
8 10-22.6, 31-3, and 34-19 as follows:

9 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

10 Sec. 10-22.6. Suspension or expulsion of pupils; school
11 searches.

12 (a) To expel pupils as provided in subsection (d) ~~guilty of~~
13 ~~gross disobedience or misconduct~~, and no action shall lie
14 against them for such expulsion. Expulsion shall take place
15 only after the parents have been requested to appear at a
16 meeting of the board, or with a hearing officer appointed by
17 it, to discuss their child's behavior. Such request shall be
18 made by registered or certified mail and shall state the time,
19 place and purpose of the meeting. The board, or a hearing
20 officer appointed by it, at such meeting shall state the
21 reasons for dismissal and the date on which the expulsion is to
22 become effective. If a hearing officer is appointed by the
23 board he shall report to the board a written summary of the
24 evidence heard at the meeting and the board may take such
25 action thereon as it finds appropriate.

26 (b) To suspend or by regulation to authorize the
27 superintendent of the district or the principal, assistant
28 principal, or dean of students of any school to suspend pupils
29 guilty of gross disobedience or misconduct, or to suspend
30 pupils guilty of gross disobedience or misconduct on the school
31 bus from riding the school bus, and no action shall lie against
32 them for such suspension. The board may by regulation authorize

1 the superintendent of the district or the principal, assistant
2 principal, or dean of students of any school to suspend pupils
3 guilty of such acts for a period not to exceed 10 school days.
4 If a pupil is suspended due to gross disobedience or misconduct
5 on a school bus, the board may suspend the pupil in excess of
6 10 school days for safety reasons. Any suspension shall be
7 reported immediately to the parents or guardian of such pupil
8 along with a full statement of the reasons for such suspension
9 and a notice of their right to a review, a copy of which shall
10 be given to the school board. Upon request of the parents or
11 guardian the school board or a hearing officer appointed by it
12 shall review such action of the superintendent or principal,
13 assistant principal, or dean of students. At such review the
14 parents or guardian of the pupil may appear and discuss the
15 suspension with the board or its hearing officer. If a hearing
16 officer is appointed by the board he shall report to the board
17 a written summary of the evidence heard at the meeting. After
18 its hearing or upon receipt of the written report of its
19 hearing officer, the board may take such action as it finds
20 appropriate.

21 (c) The Department of Human Services shall be invited to
22 send a representative to consult with the board at such meeting
23 whenever there is evidence that mental illness may be the cause
24 for ~~expulsion or~~ suspension.

25 (d) Except as otherwise provided in this subsection, the
26 board may not expel a student. The board may expel a student
27 for any criminal offense for which a sentence to the Department
28 of Corrections may be imposed for a definite period of time not
29 to exceed 2 calendar years, as determined on a case by case
30 basis. A student who is determined to have brought a weapon to
31 school, any school-sponsored activity or event, or any activity
32 or event which bears a reasonable relationship to school shall
33 be expelled for a period of not less than one year, except that
34 the expulsion period may be modified by the superintendent, and
35 the superintendent's determination may be modified by the board
36 on a case by case basis. For the purpose of this Section, the

1 term "weapon" means (1) possession, use, control, or transfer
2 of any gun, rifle, shotgun, weapon as defined by Section 921 of
3 Title 18, United States Code, firearm as defined in Section 1.1
4 of the Firearm Owners Identification Act, or use of a weapon as
5 defined in Section 24-1 of the Criminal Code, (2) any other
6 object if used or attempted to be used to cause bodily harm,
7 including but not limited to, knives, brass knuckles, or billy
8 clubs, or (3) "look alike" of any weapon as defined in this
9 Section. Expulsion or suspension shall be construed in a manner
10 consistent with the Federal Individuals with Disabilities
11 Education Act. A student who is subject to suspension or
12 expulsion as provided in this Section may be eligible for a
13 transfer to an alternative school program in accordance with
14 Article 13A of the School Code. The provisions of this
15 subsection (d) apply in all school districts, including special
16 charter districts and districts organized under Article 34.

17 (e) To maintain order and security in the schools, school
18 authorities may inspect and search places and areas such as
19 lockers, desks, parking lots, and other school property and
20 equipment owned or controlled by the school, as well as
21 personal effects left in those places and areas by students,
22 without notice to or the consent of the student, and without a
23 search warrant. As a matter of public policy, the General
24 Assembly finds that students have no reasonable expectation of
25 privacy in these places and areas or in their personal effects
26 left in these places and areas. School authorities may request
27 the assistance of law enforcement officials for the purpose of
28 conducting inspections and searches of lockers, desks, parking
29 lots, and other school property and equipment owned or
30 controlled by the school for illegal drugs, weapons, or other
31 illegal or dangerous substances or materials, including
32 searches conducted through the use of specially trained dogs.
33 If a search conducted in accordance with this Section produces
34 evidence that the student has violated or is violating either
35 the law, local ordinance, or the school's policies or rules,
36 such evidence may be seized by school authorities, and

1 disciplinary action may be taken. School authorities may also
2 turn over such evidence to law enforcement authorities. The
3 provisions of this subsection (e) apply in all school
4 districts, including special charter districts and districts
5 organized under Article 34.

6 (f) Suspension or expulsion may include suspension or
7 expulsion from school and all school activities and a
8 prohibition from being present on school grounds.

9 (g) A school district may adopt a policy providing that if
10 a student is suspended or expelled for any reason from any
11 public or private school in this or any other state, the
12 student must complete the entire term of the suspension or
13 expulsion before being admitted into the school district. This
14 policy may allow placement of the student in an alternative
15 school program established under Article 13A of this Code, if
16 available, for the remainder of the suspension or expulsion.
17 This subsection (g) applies to all school districts, including
18 special charter districts and districts organized under
19 Article 34 of this Code.

20 (Source: P.A. 92-64, eff. 7-12-01.)

21 (105 ILCS 5/31-3) (from Ch. 122, par. 31-3)

22 Sec. 31-3. Suspension ~~or expulsion~~ of members, pledges and
23 solicitors. The governing body of any public school shall
24 suspend ~~or expel~~ any pupil who is a member of or joins or
25 promises to join, or who becomes pledged to become a member of,
26 or who solicits any other person to join, promise to join or be
27 pledged to become a member of any public school fraternity,
28 sorority or secret society.

29 (Source: Laws 1961, p. 31.)

30 (105 ILCS 5/34-19) (from Ch. 122, par. 34-19)

31 Sec. 34-19. By-laws, rules and regulations; business
32 transacted at regular meetings; voting; records. The board
33 shall, subject to the limitations in this Article, establish
34 by-laws, rules and regulations, which shall have the force of

1 ordinances, for the proper maintenance of a uniform system of
2 discipline for both employees and pupils, and for the entire
3 management of the schools, and may fix the school age of
4 pupils, the minimum of which in kindergartens shall not be
5 under 4 years and in grade schools shall not be under 6 years.
6 It may ~~expel~~, suspend or, subject to the limitations of all
7 policies established or adopted under Section 14-8.05,
8 otherwise discipline any pupil found guilty of gross
9 disobedience, misconduct or other violation of the by-laws,
10 rules, and regulations. The Board may not expel a pupil for any
11 reason other than as provided in subsection (d) of Section
12 10-22.6. The bylaws, rules and regulations of the board shall
13 be enacted, money shall be appropriated or expended, salaries
14 shall be fixed or changed, and textbooks and courses of
15 instruction shall be adopted or changed only at the regular
16 meetings of the board and by a vote of a majority of the full
17 membership of the board; provided that notwithstanding any
18 other provision of this Article or the School Code, neither the
19 board or any local school council may purchase any textbook for
20 use in any public school of the district from any textbook
21 publisher that fails to furnish any computer diskettes as
22 required under Section 28-21. The board shall be further
23 encouraged to provide opportunities for public hearing and
24 testimony before the adoption of bylaws, rules and regulations.
25 Upon all propositions requiring for their adoption at least a
26 majority of all the members of the board the yeas and nays
27 shall be taken and reported. The by-laws, rules and regulations
28 of the board shall not be repealed, amended or added to, except
29 by a vote of 2/3 of the full membership of the board. The board
30 shall keep a record of all its proceedings. Such records and
31 all by-laws, rules and regulations, or parts thereof, may be
32 proved by a copy thereof certified to be such by the secretary
33 of the board, but if they are printed in book or pamphlet form
34 which are purported to be published by authority of the board
35 they need not be otherwise published and the book or pamphlet
36 shall be received as evidence, without further proof, of the

1 records, by-laws, rules and regulations, or any part thereof,
2 as of the dates thereof as shown in such book or pamphlet, in
3 all courts and places where judicial proceedings are had.

4 Notwithstanding any other provision in this Article or in
5 the School Code, the board may delegate to the general
6 superintendent or to the attorney the authorities granted to
7 the board in the School Code, provided such delegation and
8 appropriate oversight procedures are made pursuant to board
9 by-laws, rules and regulations, adopted as herein provided,
10 except that the board may not delegate its authorities and
11 responsibilities regarding (1) budget approval obligations;
12 (2) rule-making functions; (3) desegregation obligations; (4)
13 real estate acquisition, sale or lease in excess of 10 years as
14 provided in Section 34-21; (5) the levy of taxes; or (6) any
15 mandates imposed upon the board by "An Act in relation to
16 school reform in cities over 500,000, amending Acts herein
17 named", approved December 12, 1988 (P.A. 85-1418).
18 (Source: P.A. 88-45; 89-15, eff. 5-30-95.)